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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,851	03/04/2004	Shingo Sawahara	1248-0702P	5312
2292	7590	10/20/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			CHAN, WING F	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/791,851

Applicant(s)

SAWAHARA ET AL.

Examiner

Wing F. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 14, 16-42 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14, 16-42 and 46-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 18-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification does not provide written description and support for the main body section to comprise a sub display section as is now claimed. As clearly show in all figures, the main body 1 does not comprise any sub display section, the sub display 17 is provided on the cover section 2 ONLY. Therefore, the specification is inadequately written to provide support for claims 18-34.

3. For the purpose of applying art, the sub display is read in light of the specification, i.e. the sub display 17 is provided on the cover section 2 ONLY.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-11, 14, 16-42, 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura et al (JP 2003-298884) in view of Kawasaki et al (US PG PUB. NO. 2002/0142810 hereinafter Kawasaki).

As to claims 1-11, 14, 16-33, Kitamura discloses a foldable multifunctional mobile electronic device having a mobile phone function, a digital camera function, outer and inner surfaces, and the inner surfaces meeting each other when folded, etc. substantially as claimed. Kitamura's device comprising a main body and a cover portion (see Figs. 1a, 1b), having a main display 106, a sub display 107, a first camera lens section 102 provided in one of outer surfaces of the main body and the cover body (note that this is an alternate limitation and Kitamura's first camera is on the outer surface thus meeting the claimed limitation, e.g. see Fig. 1b with outside camera 102; Fig. 4a, Fig. 5a), a second camera section 101, the outer surface being exposed to outside when the device is folded, a sub display section that serves as a view finder (e.g. Figs. 4a, 4b), and shutter buttons (110) for controlling the cameras (e.g. see section [0015]). Kitamura in Fig. 9b, for example, discloses the cover section includes a sub camera in its inner surface. Contrary to applicants' erroneous remarks, Kitamura's abstract clearly discloses using the display means as a view finder for the user (e.g. also see section [0003, 0005]). Kitamura also teaches the displays provide the user with caller identification information. See abstract, Figs. 1-10, sections [0014-0062] of the translation for example.

Kitamura differs from the claimed invention in not disclosing a shutter button provided in a side surface of the device main body.

However, it is old and well known in the art to provide a shutter button provided in a side surface of the device main body for easy access and control of the camera, for example see Kawasaki, Fig. 1b, side camera key 14i, section [0070]. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kitamura to comprise a shutter button provided in a side surface of the device main body for easy access and control of the camera.

As to claim 34, see Kitamura Figs. 5a, 5b, which show simultaneously displaying two images.

As to claims 35-42, 46-50, Kitamura discloses a first member (main body), and a second member (cover) including a first display section provided on the outside surface (surface on an opposite side of an opposed surface which faces the first member when folded) for displaying an image taken by the camera, and a second camera (101) provided in an opposed (inner) surface of the second member (note that this is even to met the alternative limitation), for example see Figs. 1a, 1b. Kitamura differs from the claimed invention in disclosing the first member comprises a first camera on the outside surface of the first member [main body]. However, it is old and well known in the art for a mobile electronic device to have the camera located on the outside surface of the first member [main body], for example see Kawasaki Fig. 1C, section [0067, 0072] such that the camera can be used during the folded state or the unfolded state. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kitamura to comprise first camera on the outside surface of the first member [main body] such that the camera function can be used during the folded state or the

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unfolded state. Furthermore, to relocate the first camera from the outside surface of the cover to the outside surface of the main would have been obvious to one having ordinary skill in the art at the time the invention was made, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

6. Claims 1-11, 14, 16-42, 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki et al (US PG PUB. NO. 2002/0142810 hereinafter Kawasaki) in view of Kitamura et al (JP 2003-298884).

The contents and pertinent portions of Kawasaki have been explained in the last Office action and are incorporated by reference hereinafter.

As stated by applicants, Kawasaki differs from the claimed invention in not disclosing a sub camera as claimed in claims 1, 18, and 35.

However, it is old and well known in the art to provide a foldable multifunctional mobile electronic phone device with two cameras, where a sub camera is provided in an opposed surface, for example see all figures in Kitamura.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kawasaki to comprise a second sub camera as claimed in order to "enables a photographer to photograph a subject in various conditions while confirming a subject image" (e.g. see Kitamura's abstract). Furthermore, to relocate the sub camera in an opposed surface of the first or second member would have been obvious to one having ordinary skill in the art at the time the invention was made, since

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it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

7. Claims 1-11, 14, 16-42, 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al (US PG PUB. NO. 2004/0048633 hereinafter Sato).

The contents and pertinent portions of Sato have been explained in the last Office action and are incorporated by reference hereinafter.

As stated by applicants, Sato differs from the claimed invention in disclosing the first member comprises a first camera on the outside surface of the first member [main body]. However, it is old and well known in the art for a mobile electronic device to have the camera located on the outside surface of the first member [main body], for example see Kawasaki Fig. 1C, section [0067, 0072] such that the camera can be used during the folded state or the unfolded state. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sato to comprise first camera on the outside surface of the first member [main body] such that the camera function can be used during the folded state or the unfolded state.

Furthermore, to relocate the first camera from the outside surface of the cover to the outside surface of the main would have been obvious to one having ordinary skill in the art at the time the invention was made, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

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8. Applicant's arguments with respect to claims 1-11, 14, 16-42, 46-50 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wing F. Chan whose telephone number is 571-272-7493. The examiner can normally be reached on Monday to Friday from 9 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wing F. Chan
Primary Examiner
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10/17/05